IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6532 OF 2007

Ratan Shivaji Solaskar & ors.... Petitioner

versus

Asstt. Registrar,
Co-op.societies & anr. ..... Respondent.

Shri S.A.Pawar for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 01ST OCTOBER, 2007

P.C.;

1. Report submitted under section 83 of Co-operative Societies Act which goes to blame the present petitioners, has been challenged in this petition mainly on the ground that the petitioners were not granted an opportunity of hearing during the course of enquiry. In my opinion, the enquiry under section 83 is an administrative enquiry and section 83 does not postulate the opportunity of hearing being extended. It is not possible to read principles of natural justice in section 83. As and when a show cause notice will be issued, at that stage the petitioner shall have an opportunity of hearing. The learned counsel for the petitioner has not pointed out any judgment which takes a view that principles of natural justice need to be complied with while making an

enquiry under section 83. Being of the opinion that it is not required to grant hearing, I proceed to reject the petition summarily. However, it is made clear that when an enquiry under section 88 will be made, the petitioner shall be entitled to have reasonable opportunity of hearing. The learned counsel has tried to contend that the enquiry appears to have been held for the period when the petitioners were not in the managing committee. All such contentions can be raised in an enquiry under section 88. With these observations, the writ petition is summarily rejected.

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